

DIST/OFFICE	DOCKET		FILING DATE			J	N/S	O	R	R 23	\$	DEMAND		JUDGE NUMBER	JURY DEM.	YR.	DOCKET	
	YR.	NUMBER	MO.	DAY	YEAR							OTHER	NUMBER				NUMBER	
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PLAINTIFFS

UNITED STATES, for the use
and benefit of MID-CENTRIAL
MECHANICAL, INC., a corporation

DEFENDANTS & 76-0055-C

INDUSTRIAL INDEMNITY COMPANY
a foreign corporation, and
Kandy, Inc., a foreign
corporation

CAUSE

Miller Act Action, under 40 U.S.C. Sec. 270, covering a construction
project located at Hominy Creek, Skiatook, Oklahoma, for the Corps of
Engineers, which said project is located within the Northern Judicial
District of the State of Oklahoma.

ATTORNEYS

~~Mr. David H. Sanders, & W. W. McElroy & Carpenter~~
~~205 Denver Building~~
~~Tulsa, Oklahoma 74119~~
~~582-5181~~

Ken Smith
E. John Eagleton
1000 Sooner Federal Bldg.
Tulsa 74103
583-2131

John D. Raffaelli
P. O. Box 961
Texarkana, Tx. 75501
and

L. K. Smith, Jim Jessup
Boone, Ellison & Smith
914 World Bldg.,
Tulsa, Ok. 74103

587-0320

☐ CHECK
HERE
IF CASE WAS
FILED IN
FORMA
PAUPERIS

FILING FEES PAID

DATE

RECEIPT NUMBER

C.D. NUMBER

STATISTICAL CARDS

CARD DATE MAILED
JS-5 ~~XXIX~~ 3-1-76
JS-6 8-1-77

DATE	NR.	PROCEEDINGS
2-11	1	Complaint filed. Summons Issued.t
2-19	2	Summons Ret. & Filed; Served by Certified Mail, Affidavit of Service filed, Served Kandy, Inc. on 2-14-76 in Texarkana, Texas; Served Industrial Indemnity Company by serving Gerald Grimes, Ins. Comm. in Oklahoma City, Ok.t
3-1	3	Answer and Cross-Complaint of defts., filed. g
4-1	4.	Appl. of Pltf. for ext. of time to reply to ans. & ans. Cross-Action of Defts., fld.v (o)
4-1	5	Order, filed. granted Pltf. until April 5, 1976 within which to file a reply and answer, filed.t (HDC-J) cps mld.
4-5	6	Answer of Pltf. to affirmative defenses & cross-action of Defts., filed.t
4-7	MO:	Case set for PT hearing Thurs., June 10, 1976, at 1:30 P.M. (HDC-J)ph
4-21	7.	Appl. of all parties litigant for consolidation of cases to a single division of the Court, filed. ph
5-14		Deposition of Frank King, Jr. on behalf of pltf., 4-29-76, filed. g
5-14		Deposition of Blaine A. Smith on behalf of defts., 4-30-76, filed. g
5-14		Depositions of Dale Morrow, Jay Harden, Ray Warren, Walter Busch & Wayne Miller on behalf of defts on 4-29-76, filed. g
5-14		Deft. Kandy Exhibits from deps taken on 4-29 & 30, filed. g
5-14		Pltf. Mid-Central Exhibits from deps taken on 4-30-76, filed. g
5-24	8.	Order, filed, that this case is consolidated with 76-C-55-C. (HDC-J)rm copies mailed
6-8	9.	First amended ans. of Industrial Indemnity Company and Kandy, Inc., (76-C-54), filed. ph
6-8	10.	First amended Ans. of Safeco Ins. Co., Southwest Construction Corp., and Kandy, Inc. (76-C-55), filed. ph
6-10	MO:	Pre-trial hearing held. Statements made. Consolidated cases to be tried together and non-jury trial set 9-27-76 at 9:30 a.m. (EST-2 days). Pltf. to prepare PT order by 7-6-76; parties to file simultaneous briefs by 9-17-76 and ans. briefs if desired by 9-22-76. (HDC-J)hm
7-7	11.	Joint appl. for ext. of time to file PT order, filed. ph
7-12	12.	Order, filed, that parties are allowed until 7-26-76 to file PT order. (HDC-J)ph cps mld
7-14	--	Transcript of proceedings (partial) had on 6-10-76, PT Conf., filed.ph
7-29	13.	PT Order, filed. (HDC-J)ph cps mld
9-20	14.	Defts' PT brief, filed. ph
9-23	15.	Application to withdraw as atty. & to continue trial to later date, filed, with order granting applic. (HDC-J)hm (copies mailed)
9-23	MO:	Ordered that pltf. is granted 10 days to obtain new counsel. (HDC-J)hm (Mr. Sanders to prepare proper letter)
10-12	MO:	Case set for disposition on pltf. failure to comply with Ct. Order of 9/23/76. (HDC-J)rm-notice to counsel & pltf. by cert. mail (Set for Thurs., 10/28/76 at 1:00 p.m.)
10-26	16.	Entry of appearance by E. John Eagleton as counsel for pltf., filed.rm
10-27	17.	Order granting motion to allow entry of new counsel, E. John Eagleton, filed. (HDC-J)ph cps mld
10-27	MO:	Case stricken from disposition docket of 10/28/76 to be set for N/J trial at later date. (HDC-J)rm-parties notified by phone
11-1	MO:	Case set for N/J trial on 12-21-76 at 9:30 a.m. (HDC-J)ph notices mld

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. 76-C-54-C 76-C-55-C PAGE 3 OF 2 PAGES
UNITED STATES, for use and benefit of Mid-Central Mechanical		INDUSTRIAL INDEMNITY COMPANY	
DATE	NR.	PROCEEDINGS	
1976			
12-10	18.	Trial brief of pltf., Mid-Central Mechanical, Inc., filed. ph	
12-20	--	Return on Civil Subpoena, fld. Served Blaine Smith in Tulsa, OK, on 12-17-76 with fees of \$44.00. v	
12-22	MO:	Case tried to the Court Dec. 21 & 22, 1976. Deft. allowed to file amendment to Paragraph 1 of the PT order. Additional PT order, Amended PT order, and list of exhibits offered by deft. Kandy, filed in open court. Opening statements made. Pltf. presents case in chief w/test. of witnesses & introduction of exhibits. Pltf. rests. Deft. presents case in chief w/test. of witnesses & introduction of exhibits. Deft. rests. Parties each present rebuttal evid. w/test. of witnesses and rest. Parties rest. Parties given until 1-17-77 to file simultaneous suggested F/F, C/L, briefs and arguments and 10 days thereafter after receipt of opposing counsel's pleadings, to respond. Case submitted for decision after Court receives all briefs, etc. (HDC-J)hm	
12-21	19.	Additional PT order, filed. (HDC-J)hm	
12-21	20.	Amended PT order, filed. (HDC-J)hm	
12-22	21.	Exhibits offered by deft. Kandy in 76-C-54 & 76-C-55, or both, filed. hm	
12-22		Trial exhibits, filed. (in exhibit room in box)hm	
12-29	--	Subpoena, ret & filed: Unable to serve Eudell Ealey; Served Larry Ebersoll at Broken Arrow on 12-15-76; Served Glen Burwell on 12-2-76 at Skiatook, OK; Served Walter Bush on 12-20-76 at Tulsa, OK; Served Wayne Miller on 12-21-76 at Tulsa, OK; Served Jay Harden on 12-20-76 at Skiatook, OK. (USM \$35.68)ph	
1-14-77	22.	Amendment to paragraph I, 1.1(a) and 1/1(b) of pre-trial order, filed. (HDC-J)rm-copies to Jim Jessup	
1-14	23.	Notice of Atty.'s Lien, fld. by attys. for Pltf. v	
1-17	24.	Post Trial brief of deft., Kandy, Inc., filed. ph	
1-17	25.	Pltf.'s proposed FF/CL, filed. rm	
1-17	26.	Pltf.'s post-trial brief, filed. rm	
1-21	27.	Pltf's brief in response to the post-trial brief of the deft. Kandy, filed. hm	
1-31	28.	Def. Kandy's brief in response to post-trial brief of pltf., filed. rm	
1-31	29.	Def. Kandy's proposed FF/CL, filed. rm	
6-30	MO:	Ordered that deft. is directed to inform Court as to which exhibits support compilation submitted into evidence, within 10 days. (HDC-J)hm	
7-22	30.	Memorandum opinion, filed and entered. (HDC-J)ph cps mld	
7-22	31.	Judgment, filed and entered, that Judgment be entered in favor of Kandy, Inc. and against Mid-Central Mech. in amt. of \$21,267.20 in case No. 76-C-54; further that in Case 76-C-55 Judgment be entered in favor of Kandy, Inc. and against Mid-Central Mech. Inc. in amt. of \$12,503.96. (HDC-J)ph cps mld	

PLAINTIFF	DEFENDANT	DOCKET NO. _____ PAGE ____ OF ____ PAGES
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PAGE _____ OF _____ PAGES

PROCEEDINGS